

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIKA DOUGLAS,

No. C-08-5045 MMC

Plaintiff,

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS; VACATING  
HEARING**

v.

UNITED STATES POSTAL SERVICE,

Defendants.

Before the Court is defendant United States of America's ("United States") Motion to Dismiss, filed November 13, 2008.<sup>1</sup> No opposition has been filed.<sup>2</sup> Having read and considered the papers filed in support of the motion, the Court deems the matter appropriate for decision thereon, hereby VACATES the hearing scheduled for January 16, 2009, and, for the reasons stated by the United States in its Memorandum of Points and Authorities in support of its motion, hereby GRANTS the motion.

Accordingly, the instant action is hereby DISMISSED with prejudice.

**IT IS SO ORDERED.**

Dated: January 12, 2009

  
MAXINE M. CHESNEY  
United States District Judge

<sup>1</sup>As the United States points out, the United States is the sole proper defendant to the instant action. See *Allen v. Veterans Admin.*, 749 F.2d 1386, 1388 (9th Cir. 1984) (noting "[t]he Federal Tort Claims Act provides that the United States is the sole party which may be sued for personal injuries arising out of the negligence of its employees"; further noting "[i]ndividual agencies of the United States may not be sued").

<sup>2</sup>On December 30, 2008, the United States filed a reply.